

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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K.G., a Minor, by JULIE GUDDECK  
Guardian, and JULIE GUDDECK,  
Individually,

Plaintiffs,

v.

**ORDER**

Civil File No. 13-02508 (MJD/LIB)

SMITHKLINE BEECHAM  
CORPORATION d/b/a  
GLAXOSMITHKLINE,

Defendant.

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Adam Peavy, Bailey Peavy Baily PLLC, and Michael K. Johnson, Johnson Becker PLLC, Counsel for Plaintiffs.

Jerry W. Blackwell and Peter J. Goss, Blackwell Burke P.A., Andrew T. Bayman, Halli D. Cohn and Robert K. Woo, Jr., King & Spalding LLP, Counsel for Defendant.

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This matter is before the Court on Plaintiffs' Motion for Remand and for Reconsideration Under Rule 60(b). [Docket No. 156] Plaintiffs seek reconsideration of the Court's July 22, 2014 Order [Docket No. 110] adopting the Report and Recommendation of Magistrate Judge Brisbois [Docket No. 76] denying remand. The Court heard oral argument on January 15, 2015, in Duluth.

The Court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted). A motion to reconsider "afford[s] an opportunity for relief in extraordinary circumstances." Arnold v. Cargill Inc., No. CIV01-2086, 2004 WL 2331814, at \*1 (D. Minn. Oct. 13, 2004) (citation omitted).

The Court construes Plaintiffs' motion as a request to file a motion for reconsideration of its July 22, 2014 Order. For the reasons that follow, the Court grants Plaintiffs' motion and remands Plaintiffs' lawsuit to the Court of Common Pleas of Philadelphia County.

The Court considers Plaintiffs' motion after careful review of the Third Circuit's opinion in A.S. v. SmithKline Beecham Corp., 769 F.3d 204 (3d Cir. 2014), a substantively and procedurally related case. Given the Third Circuit's opinion and the extraordinary circumstances of this particular case, reconsideration of the Court's July 22, 2014 Order is necessary and just.

The Court remands Plaintiff's case to Pennsylvania state court where it was originally filed and set for trial, and where it will be properly litigated

together with several other Paxil pregnancy cases as part of Pennsylvania's sophisticated mass tort program.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

**HEREBY ORDERED:**

Defendant's Motion for Remand and for Reconsideration Under Rule 60(b) [Docket No. 156] is **GRANTED**, and this matter is **REMANDED** to the Court of Common Pleas of Philadelphia County.

Dated: March 5, 2015

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court